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7 The Honorable Ricardo S. Martinez  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RICHARD LEHMAN, on behalf of himself and )  
others similarly situated, ) No. 2:13-cv-01835  
Plaintiffs, ) CLASS ACTION  
v. ) NOTICE OF CROSS-APPEAL TO  
WARNER NELSON; WILLIAM BECK, JR., ) THE NINTH CIRCUIT COURT OF  
BRIAN BISH, KLAAS A. DeBOER; ) APPEALS  
MICHAEL G. MARSH; ROCKY SHARP; )  
RICHARD BAMBERGER; DENNIS CALLIES, )  
CLIF DAVIS, TIM DONOVAN; HARRY )  
THOMPSON; GARY YOUNGHANS; CLINT )  
BRYSON; MICHAEL CHURCH; MICHAEL )  
DOYLE; GREG ELDER; GLEN FRANZ; )  
GARY GONZALES; CARL D. HANSON; )  
PATRICK POWELL; GARY PRICE; SCOTT )  
STEPHEN; ROGER TOBIN; and GRANT )  
ZADOW, in their capacity as Trustees of the )  
IBEW Pacific Coast Pension Plan, )  
Defendants. )

TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

Notice is hereby given that Plaintiff Richard Lehman and the certified Class of similarly situated Plaintiffs cross-appeals to the United States Court of Appeals for the Ninth Circuit from the District Court's determination in its Order on Motions [Dkt. # 48], attached as **Exhibit A**, (1) that Defendants' failure to construe Plan provisions and disburse pension contributions in accordance with governing Plan documents and instruments did not constitute a breach of

fiduciary duty under ERISA 502(a)(2) and (2) that Plaintiffs may not seek equitable relief under ERISA section 502(a)(3).

### **Representation Statement**

Pursuant to Ninth Circuit Rule 3-2(b), Plaintiffs/Cross-Appellants Richard Lehman and the certified Class he represents provides the following information concerning counsel for this appeal:

#### A. Richard Lehman and the certified Class.

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Marsh, Rocky Sharp, Richard Bamberger, Dennis Callies, Clif Davis, Tim Donovan, Harry Thompson, Gary Younghans, Clint Bryson, Michael Church, Michael Doyle, Greg Elder, Glen Franz, Gary Gonzalez, Carl D. Hanson, Patrick Powell, Gary Price, Scott Stephens, Roger Tobin, and Grant Zadow, in their capacity as Trustees of the IBEW Pacific Coast Pension Plan.

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DATED this 9th day of June, 2015.

Davis Wright Tremaine LLP  
Attorneys for Richard Lehman and the Class

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## **CERTIFICATION OF SERVICE**

I hereby declare under penalty of perjury under the laws of the State of Washington, that on June 9, 2015, I electronically filed the attached **Notice of Cross-Appeal to the Ninth Circuit Court of Appeals**, including Representation Statement, with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED this 9th day of June, 2015.

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Attorneys for Richard Lehman and the Class

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